

**PRIVATE DETECTIVE ADVISORY COMMITTEE  
MINUTES  
MADISON, WISCONSIN  
May 17, 2000**

**PRESENT:** James Krause, Karen Morales (arrived at 9:41), Gary Peterson, John Schatzman, Paul Klumb, Robert Hoeg, and Steven Watson

**ABSENT:** David Cihlar, James Gilboy, Johnny Cash, Edward O'Brien

**STAFF PRESENT:** Clete Hansen and Becky Fry

**CALL TO ORDER**

The meeting was called to order at 9:33 a.m. by Clete Hansen, upon confirmation that the public notice was timely given.

**APPROVAL OF AGENDA**

By consensus, the agenda was adopted as published.

**MINUTES (1/19/00 & 3/15/00)**

**MOTION:** John Schatzman moved, seconded by Gary Peterson, to approve the minutes from the 1/19/00 meeting, as written.

There were no objections to the summary of the unofficial meeting of 3/15/00.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Clete Hansen informed the Committee that Secretary Cummings was out of town and not available to attend the meeting.

**Bureau Director's Report**

Clete Hansen distributed copies of the May 1, 2000, Capital Times article entitled "Lawmakers Ignore Real Invaders of Privacy." Noted

- **Roster**

Committee members indicated minor changes to the roster.

- **Meeting Dates for 2000**

Noted.

## **OLD BUSINESS**

- **Personally Identifiable Information**

John Schatzman reported on the 5/15/00 meeting of the Privacy Task Force. He explained that the Task Force has drafted a proposal that is being sent to the Governor for his consideration that requires anyone who collects personally identifiable information to develop a policy for the retention and redistribution of that information. Mr. Schatzman further indicated this would mean that private detectives will have to develop a policy as to how this information is collected, redistributed, and if the subject finds out about it, that subject can request from the private detective, a copy of that information.

Mr. Schatzman indicated that this proposal was patterned after the current fair credit reporting act. Under federal law, if someone has been investigated and that information has been redistributed to a third party and the person investigated asks for copies of the investigation, that information must be given to them.

Committee members conveyed some concern relating to the proposal that individuals being investigated can receive a copy of information found in the investigation before the conclusion of the case. This could sabotage any efforts at discrete investigation.

Mr. Schatzman reminded the Committee that at this point, it is only a proposal to require a policy for retention and redistribution of information and the maintenance of the security of the information.

Mr. Schatzman indicated that another issue discussed at the Task Force meeting was the Wisnicki case relating to requests for records of government employees. If someone wanted a government employee discipline file, that government employee has the right to be informed of that request and if that person does not want that information released, an action has to be filed in circuit court to bar that release. The court will then balance the need of the person requesting the information and the need of the employee's privacy. This procedure is slowing up the process of open records and the philosophy behind it.

Mr. Schatzman addressed another issue discussed at the Task Force meeting relating to the bill that was signed, providing an opt out box to keep names from being sold to telemarketers when renewing DNR, regulation and licensing and drivers licenses.

Clete Hansen indicated that changes will have to be made to forms to comply with the new law. He expressed concern that this may lead to an attack on the credential holder query in place on the Internet.

Clete Hansen confirmed with Karen Morales her approval of the January 19, 2000, meeting minutes.

- **Authorization to Carry Concealed Weapons**

John Schatzman indicated that a survey was taken at a recent conference of the Professional Association of Wisconsin Licensed Investigators. Seventy-five percent of the private investigators present were in support of carrying concealed weapons and of those 75%, there was unanimous support that specific weapons education should be required. It was suggested that the survey be included in the next Regulatory Digest to include the opinions of more licensed private investigators.

The Committee reviewed the conditions set up for the carry of concealed weapons.

The Committee questioned the number of hours for firearms training and DAAT training listed in item #7 and suggested that the 36-hour training would include DAAT training. Possibly another 10 hours could be included for baton, pepper spray, etc.

The Committee discussed item #10 in relation to carrying a concealed weapon where alcoholic beverages are sold and consumed. It was suggested that the precise statutory language should prevail and condition #10 should be removed.

William Black will check the statutes in relation to carrying a firearm in a tavern.

There was some concern about carrying concealed weapons for protection and also with insurance coverage and rising costs if Wisconsin becomes a concealed carry state. Not all agencies support carrying concealed weapons and are not willing to pay for coverage that will not be needed for their agency.

Jim Krause will check with Capitol Indemnity on the cost of providing coverage for carrying concealed weapons.

A Committee member stated the private investigator should have a choice of whether to carry a concealed weapon or not.

There was a suggestion to raise the cost of the concealed carry permit fee from \$25 to \$250 in item #3.

**MOTION:** Steve Watson moved, seconded by Robert Hoeg, to eliminate item #10 of the conditions for carrying concealed weapons, change item #7 to 36 hours for defense and arrest tactics (DAAT) and firearms training, and change item #3 from \$25 to \$250 for the initial and biennial concealed carry permit fee. Motion carried unanimously.

## **EXAMINATION**

Darwin Tichenor distributed and reviewed a copy of the Private Detective Examination Passing Rates in 2000.

Darwin Tichenor explained that the last task analysis was done in 1992 and questioned whether there was a need to review and update the examination.

Jim Krause, Steve Watson, John Schatzman, Karen Morales, and Gary Peterson will be working with Darwin Tichenor to review the examination and work on new questions.

The Committee discussed having a separate exam for private detective agency permits and private detective permits.

- **Pre-License Education**

Steve Watson suggested proposing a bill to utilize an apprenticeship, whereby using an unlicensed individual for limited investigation, working with a licensed private detective. He proposed that an exception be made so that, for example, an agency would be able to give a police science student or criminal justice student some private investigating experience without having to license that student.

The Committee discussed what types of services, if any, could be provided by an unlicensed individual and the liability for that unlicensed person.

A comment was made that if a fee is being paid for the individual's services and if that person will have to testify, the person must be licensed.

A majority of the Committee opposed the apprenticeship suggestion and indicated that licensing should be based on when the service of an individual is billed.

- **Continuing Education**

The Committee held discussion on the need for continuing education.

John Schatzman recommended that mandatory continuing education should be instituted with a minimum of 20 hours every 2 years. He reported the Professional Association of Wisconsin Licensed Investigators (PAWLI), the National Association of Legal Investigators (NALI), the State Public Defenders Office, and the Medical Examiner Association are a few sources for obtaining continuing education, all at a minimal cost.

He suggested that continuing education should be segregated into four sections; ethics, administrative policies and procedures, civil law, and criminal law.

Clete Hansen conveyed Secretary Cummings' suggestion that the content of continuing education be the focus for discussion before consideration is given to the number of hours needed to complete the education.

One Committee member expressed support of continuing education and suggested that the education should be unique to the area of practice of the individual.

Another Committee member expressed opposition to continuing education and indicated that training should be accomplished within the individual agency specific to the practice of that agency.

A Committee member expressed opposition to any additional regulation and recommended that the burden should be put back on PAWLI in the form of designations.

PAWLI is in support of continuing education for private detectives.

**MOTION:** Steve Watson moved, to require all private detective agencies to have a written continuing education policy on record, unique to the individual agency and each licensed private detective must attend a class, seminar, talk, etc. per year that is reasonably attributed to their profession. The motion was withdrawn for lack of a second.

**MOTION:** John Schatzman moved, seconded by Robert Hoeg, that the Private Detective Advisory Committee supports agencies promoting continuing education within their agency and they establish a policy for continuing education within their own agency. Motion carried with 5 "yes" votes and 2 "no" votes.

#### **ADMINISTRATIVE RULES REVISIONS**

No discussion held.

#### **PROPOSED STATUTORY CHANGES**

No discussion was held.

#### **MISCELLANEOUS CORRESPONDENCE**

Nothing to discuss.

#### **ADJOURNMENT**

The meeting adjourned at 12:17 p.m.